

It is well established that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. See, e.g., *In re Gordon*, 221 U.S.P.Q. 1125 (Fed. Cir. 1984) (cited in M.P.E.P. § 2143.01 (8th ed.).)

Applicant submits that modification of the Rudo invention (disclosed in the '951 patent) to use a triaxial material instead of the Leno weave material taught by Rudo would render the Rudo invention unsatisfactory for its intended purpose. As set forth in paragraph 4 of the Rudo Declaration, the Leno weave material disclosed by Rudo in the '951 patent is a loosely woven material that is adapted to conform to the contours of a dental structure. Thus, the Leno weave material disclosed by Rudo in the '951 patent is especially useful in dental repairs and reconstructions that require a material that conforms closely to the dental structures being repaired or reconstructed.

As set forth in paragraph 5 of the Rudo Declaration, the triaxial materials used in the practice of the present invention are substantially more rigid than the Leno weave material disclosed in the '951 patent. Thus, the as set forth in paragraph 6 of the Rudo Declaration, the aforementioned triaxial materials are not well-adapted for dental repairs and reconstructions which require a material that can be manipulated to conform closely to the dental structures being repaired or reconstructed.

Thus, applicant submits there is no suggestion or motivation to make the modification of the Rudo invention proposed by the Examiner. Consequently, applicant respectfully submits that the present invention is not obvious in view of the combined teachings of Rudo, Silvestrini, Kapadia, Head, and Akahane.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In view of the foregoing arguments, applicant submits that all of the pending claims are in condition for allowance. Reconsideration and favorable action are requested.

Respectfully submitted,

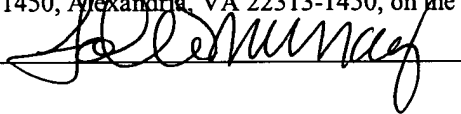
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Barry F. McGurl
Registration No. 43,340
Direct Dial No. 206.695.1775

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100